

Adopted	Rejected
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COMMITTEE REPORT

YES:	17
NO:	4

MR. SPEAKER:

Your Committee on Ways and Means, to which was referred Senate Bill 329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 4, strike line 7.
- 2 Page 4, line 8, delete "2016".
- 3 Page 4, line 31, strike "remains".
- 4 Page 4, strike lines 32 through 33 and insert "**terminates two (2)**
- 5 **years after the retirement of debt that was incurred under this**
- 6 **chapter.**".
- 7 Page 4, line 34, after "(e)" insert "**Subject to subsection (f), the**
- 8 **county food and beverage tax council may adopt an ordinance to**
- 9 **rescind the tax imposed under this chapter.**".
- 10 Page 4, strike line 39.
- 11 Page 4, line 40, strike "January 1,".
- 12 Page 4, line 40, delete "2016.".
- 13 Page 6, between lines 9 and 10, begin a new paragraph and insert:
- 14 "SECTION 5. IC 6-9-27-1 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies
- 16 to the following:

- 1 (1) A town:
 - 2 (A) located in a county having a population of more than
 - 3 sixty-five thousand (65,000) but less than seventy thousand
 - 4 (70,000); and
 - 5 (B) having a population of more than nine thousand (9,000).
- 6 (2) A town:
 - 7 (A) located in a county having a population of more than
 - 8 thirty-four thousand nine hundred (34,900) but less than
 - 9 thirty-four thousand nine hundred fifty (34,950); and
 - 10 (B) having a population of less than one thousand (1,000).
- 11 (3) A town:
 - 12 (A) located in a county having a population of more than one
 - 13 hundred thousand (100,000) but less than one hundred five
 - 14 thousand (105,000); and
 - 15 (B) having a population of more than fifteen thousand
 - 16 (15,000).
- 17 (4) A town:
 - 18 (A) located in a county having a population of more than one
 - 19 hundred thousand (100,000) but less than one hundred five
 - 20 thousand (105,000); and
 - 21 (B) having a population of more than ten thousand (10,000)
 - 22 but less than fifteen thousand (15,000).
- 23 **(5) A town:**
 - 24 **(A) located in a county having a population of more than**
 - 25 **one hundred thousand (100,000) but less than one hundred**
 - 26 **five thousand (105,000); and**
 - 27 **(B) having a population of more than five thousand (5,000)**
 - 28 **but less than six thousand three hundred (6,300).**
- 29 **(6) A city having a population of more than eleven thousand**
- 30 **five hundred (11,500) but less than eleven thousand seven**
- 31 **hundred forty (11,740).**
- 32 SECTION 6. IC 6-9-27-3 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The fiscal body
- 34 of the ~~town~~ **municipality** may adopt an ordinance to impose an excise
- 35 tax, known as the ~~town~~ **municipal** food and beverage tax, on
- 36 transactions described in section 4 of this chapter.
- 37 (b) If a fiscal body adopts an ordinance under subsection (a), the
- 38 fiscal body shall immediately send a certified copy of the ordinance to

1 the department of state revenue.

2 (c) If a fiscal body adopts an ordinance under subsection (a), the
3 ~~town~~ **municipal** food and beverage tax applies to transactions that
4 occur after the last day of the month that succeeds the month in which
5 the ordinance was adopted.

6 SECTION 7. IC 6-9-27-4 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Except as
8 provided in subsection (c), a tax imposed under section 3 of this chapter
9 applies to a transaction in which food or beverage is furnished,
10 prepared, or served:

11 (1) for consumption at a location or on equipment provided by a
12 retail merchant;

13 (2) in the **city or** town in which the tax is imposed; and

14 (3) by a retail merchant for consideration.

15 (b) Transactions described in subsection (a)(1) include transactions
16 in which food or beverage is:

17 (1) served by a retail merchant off the merchant's premises;

18 (2) food sold in a heated state or heated by a retail merchant;

19 (3) two (2) or more food ingredients mixed or combined by a
20 retail merchant for sale as a single item (other than food that is
21 only cut, repackaged, or pasteurized by the seller, and eggs, fish,
22 meat, poultry, and foods containing these raw animal foods
23 requiring cooking by the consumer as recommended by the
24 federal Food and Drug Administration in chapter 3, subpart
25 3-401.11 of its Food Code so as to prevent food borne illnesses);
26 or

27 (4) food sold with eating utensils provided by a retail merchant,
28 including plates, knives, forks, spoons, glasses, cups, napkins, or
29 straws (for purposes of this subdivision, a plate does not include
30 a container or packaging used to transport the food).

31 (c) The ~~town~~ **municipal** food and beverage tax does not apply to the
32 furnishing, preparing, or serving of a food or beverage in a transaction
33 that is exempt, or to the extent the transaction is exempt, from the state
34 gross retail tax imposed by IC 6-2.5.

35 SECTION 8. IC 6-9-27-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The ~~town~~ **municipal**
37 food and beverage tax imposed on a food or beverage transaction
38 described in section 4 of this chapter equals one percent (1%) of the

gross retail income received by the merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

SECTION 9. IC 6-9-27-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the **city or** town fiscal officer upon warrants issued by the auditor of state.

SECTION 10. IC 6-9-27-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) If a tax is imposed under section 3 of this chapter **by a town described in section 1 of this chapter**, the town fiscal officer shall establish a food and beverage tax receipts fund.

(b) The town fiscal officer shall deposit in this fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

SECTION 11. IC 6-9-27-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8.5. (a) If a tax is imposed under section 3 of this chapter by a city described in section 1(6) of this chapter, the city fiscal officer shall establish a food and beverage tax receipts fund.**

(b) The city fiscal officer shall deposit in this fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

SECTION 12. IC 6-9-27-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) Except as provided in subsection (b), money in the fund **established under section 8 of this chapter** shall be used by the town for the financing, construction, operation, or maintenance of the following:

(1) Sanitary sewers or wastewater treatment facilities.

(2) Park or recreational facilities.

(3) Drainage or flood control facilities.

(4) Water treatment, storage, or distribution facilities.

(b) The fiscal body of the town may pledge money in the fund to

pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the town or a special taxing district in the town to provide the facilities described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (a) is enforceable under IC 5-1-14-4.

SECTION 13. IC 6-9-27-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.5. (a) A city shall use money in the fund established under section 8.5 of this chapter for only the following:**

(1) Renovating the city hall.

(2) Constructing new police or fire stations, or both.

(3) Improving the city's sanitary sewers or wastewater treatment facilities, or both.

(4) Improving the city's storm water drainage systems.

(5) Other projects involving the city's water system or protecting the city's well fields, as determined by the city fiscal body.

Money in the fund may not be used for the operating costs of a project. In addition, the city may not initiate a project under this chapter after December 31, 2010.

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city or a special taxing district in the city to provide the projects described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (b) is enforceable under IC 5-1-14-4.

SECTION 14. IC 6-9-27-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. With respect to obligations for which a pledge has been made under ~~section~~ **sections 9(b) or 9.5(b)** of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or

1 amended in a manner that will adversely affect the imposition or
 2 collection of the tax imposed under this chapter if the payment of any
 3 of the obligations is outstanding.

4 SECTION 15. IC 6-9-27-11 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2005]: **Sec. 11. A food and beverage tax imposed under this**
 7 **chapter terminates two (2) years after the retirement of debt that**
 8 **was incurred under this chapter.**

9 SECTION 16. IC 6-9-35 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2005]:

12 **Chapter 35. Food and Beverage Taxes in Wayne County**

13 **Sec. 1. This chapter applies to a county having a population of**
 14 **more than seventy-one thousand (71,000) but less than seventy-one**
 15 **thousand four hundred (71,400).**

16 **Sec. 2. Except as otherwise provided in this chapter, the**
 17 **definitions in IC 36-1-2 apply throughout this chapter.**

18 **Sec. 3. As used in this chapter, "beverage" includes an alcoholic**
 19 **beverage.**

20 **Sec. 4. As used in this chapter, "bonds" has the meaning set**
 21 **forth in IC 5-1-11-1.**

22 **Sec. 5. As used in this chapter, "department" means the**
 23 **department of state revenue.**

24 **Sec. 6. As used in this chapter, "economic development project"**
 25 **has the meaning set forth in IC 6-3.5-7-13.1.**

26 **Sec. 7. As used in this chapter, "food" includes any food**
 27 **product.**

28 **Sec. 8. As used in this chapter, "gross retail income" has the**
 29 **meaning set forth in IC 6-2.5-1-5.**

30 **Sec. 9. As used in this chapter, "obligations" has the meaning set**
 31 **forth in IC 5-1-3-1(b).**

32 **Sec. 10. As used in this chapter, "person" has the meaning set**
 33 **forth in IC 6-2.5-1-3.**

34 **Sec. 11. As used in this chapter, "retail merchant" has the**
 35 **meaning set forth in IC 6-2.5-1-8.**

36 **Sec. 12. As used in this chapter, "unit" means:**

37 **(1) a county described in section 1 of this chapter; or**

38 **(2) a city or town located in the county described in section 1**

1 of this chapter.

2 **Sec. 13. (a)** After January 1 but before August 1, the fiscal body
 3 of a unit may adopt an ordinance to impose an excise tax known as
 4 the unit's food and beverage tax on transactions described in
 5 section 14 of this chapter. The fiscal body of a unit other than a
 6 county may not adopt an ordinance under this chapter until after
 7 July 31, 2006, unless the fiscal body of the county adopts a
 8 resolution to relinquish its exclusive authority to adopt an
 9 ordinance under this chapter before August 1, 2006. If a county
 10 fiscal body adopts a resolution under this subsection, the county
 11 fiscal body shall send a certified copy of the resolution to the
 12 executive of each city and town located in the county.

13 **(b)** Before a fiscal body may adopt an ordinance imposing a food
 14 and beverage tax, the fiscal body must hold a public hearing on the
 15 proposed ordinance, with notice of the time, date, and place of the
 16 public hearing given in accordance with IC 5-3-1.

17 **(c)** If the fiscal body of a county adopts an ordinance to impose
 18 a food and beverage tax under this chapter, the county executive
 19 must also adopt a substantially similar ordinance to impose the tax.

20 **(d)** If an ordinance is adopted under subsection (c), the county
 21 executive shall immediately send a certified copy of the ordinance
 22 to the department.

23 **(e)** If a unit other than a county adopts an ordinance under this
 24 section, the unit's executive shall immediately send a certified copy
 25 of the ordinance to the department.

26 **Sec. 14. (a)** Except as provided in subsection (c), a food and
 27 beverage tax imposed under section 13 of this chapter applies to
 28 any transaction in which food or a beverage is furnished, prepared,
 29 or served:

30 (1) for consumption at a location, or on equipment, provided
 31 by a retail merchant;

32 (2) in the unit in which the tax is imposed; and

33 (3) by the retail merchant for consideration.

34 If both a county and another unit located in the county impose a
 35 tax under this chapter, the tax imposed by the county does not
 36 apply within the territory of the other unit imposing the tax.

37 **(b)** Transactions described in subsection (a)(1) include
 38 transactions in which food or a beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) sold by a retail merchant who ordinarily bags, wraps, or packages the food or beverage for immediate consumption on or near the retail merchant's premises, including food or beverages sold on a "take out" or "to go" basis; or
- (3) sold by a street vendor.

(c) A food and beverage tax imposed under this chapter does not apply to the furnishing, preparing, or serving of any food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed under IC 6-2.5.

Sec. 15. The food and beverage tax imposed on a food or beverage transaction described in section 14 of this chapter may not exceed one percent (1%) of the gross retail income received by the retail merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from such a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 16. If the food and beverage tax imposed in a unit is imposed at a rate lower than the rate permitted under section 15 of this chapter, the unit's fiscal body may adopt an ordinance to increase the unit's food and beverage tax rate. The ordinance must be adopted after January 1 but before September 1 of a year. The fiscal body shall send a certified copy of the ordinance increasing the food and beverage tax rate to the department.

Sec. 17. (a) If no bonds, leases, obligations, or other evidences of indebtedness of a unit that are payable from a food and beverage tax imposed under this chapter are outstanding, the unit's fiscal body may adopt an ordinance to:

- (1) reduce the unit's food and beverage tax rate; or
- (2) repeal the unit's food and beverage tax.

(b) An ordinance described in subsection (a) must be adopted after January 1 but before September 1 of a year. The fiscal body shall send a certified copy of the ordinance adopted under this section to the department.

Sec. 18. If a fiscal body adopts an ordinance under this chapter, the ordinance takes effect January 1 of the year following the year in which the ordinance is adopted.

1 **Sec. 19. A food and beverage tax imposed under this chapter**
 2 **shall be imposed, paid, and collected in the same manner that the**
 3 **state gross retail tax is imposed, paid, and collected under IC 6-2.5.**
 4 **However, the return that is filed for the payment of the tax may be**
 5 **made on a separate return or may be combined with the return**
 6 **filed for the payment of the state gross retail tax as prescribed by**
 7 **the department.**

8 **Sec. 20. (a) The department shall notify the county auditor of a**
 9 **county containing a unit that imposes a food and beverage tax**
 10 **under this chapter of the amount of tax paid in the unit.**

11 **(b) The amounts received from a food and beverage tax imposed**
 12 **under this chapter shall be paid monthly by the treasurer of state**
 13 **on warrants issued by the auditor of state to the county auditor of**
 14 **the county in which the unit that imposed the tax is located.**

15 **Sec. 21. A county auditor shall establish for each unit in the**
 16 **county that imposes a tax under this chapter a local food and**
 17 **beverage tax revenue fund into which all amounts received monthly**
 18 **from the treasurer of state under this chapter shall be deposited.**

19 **Sec. 22. Revenue derived from a tax imposed under this chapter**
 20 **may be treated by a unit as additional revenue for the purpose of**
 21 **fixing its budget for the budget year during which the revenues are**
 22 **to be distributed to the unit.**

23 **Sec. 23. A unit may use revenues from a tax imposed under this**
 24 **chapter for one (1) or more of the following purposes:**

25 **(1) To promote and encourage conventions, visitors, and**
 26 **tourism within the unit.**

27 **(2) To promote and encourage economic development within**
 28 **the unit.**

29 **(3) Paying debt service or lease rentals on:**

30 **(A) bonds;**

31 **(B) leases;**

32 **(C) obligations; or**

33 **(D) any other evidence of indebtedness of the unit;**

34 **for a project described in subdivisions (1) and (2).**

35 **Sec. 24. The department of local government finance may not**
 36 **reduce a unit's property tax levy by the amount of revenue received**
 37 **from a tax imposed under this chapter.**

38 **Sec. 25. (a) The food and beverage tax revenue committee is**

1 established to make recommendations concerning the use of money
2 in the funds established under section 21 of this chapter. The
3 committee consists of the following members:

4 (1) One (1) resident of the county representing each of the
5 three (3) commissioner districts, appointed by the county
6 executive. Not more than two (2) of the members appointed
7 under this subdivision may be from the same political party.

8 (2) Two (2) residents of the county, appointed by the county
9 fiscal body. The two (2) appointees may not be from the same
10 political party.

11 (3) Two (2) residents of the largest city in the county,
12 appointed by the city executive. The two (2) appointees under
13 this subdivision may not be from the same political party. One
14 (1) appointee must be interested in economic development.

15 (4) Two (2) residents of the largest city in the county,
16 appointed by the city fiscal body. The two (2) appointees
17 under this subdivision may not be from the same political
18 party. One (1) appointee must be interested in tourism.

19 (b) Except as provided in subsection (c), the term of a member
20 appointed to the food and beverage tax revenue committee under
21 this section is four (4) years.

22 (c) The initial terms of office for the members appointed to the
23 food and beverage tax revenue committee under subsection (a) are
24 as follows:

25 (1) Of the members appointed under subsection (a)(1), one (1)
26 member shall be appointed for a term of two (2) years, one (1)
27 member shall be appointed for three (3) years, and one (1)
28 member shall be appointed for four (4) years.

29 (2) Of the members appointed under subsection (a)(2), one (1)
30 member shall be appointed for two (2) years and one (1)
31 member shall be appointed for three (3) years.

32 (3) Of the members appointed under subsection (a)(3), one (1)
33 member shall be appointed for two (2) years and one (1)
34 member shall be appointed for three (3) years.

35 (4) Of the members appointed under subsection (a)(4), one (1)
36 member shall be appointed for three (3) years and one (1)
37 member shall be appointed for four (4) years.

38 (d) At the expiration of a term under subsection (c), the member

1 whose term expired shall be reappointed to the food and beverage
2 tax revenue committee to fill the vacancy caused by the expiration.

3 (e) The food and beverage tax revenue committee is abolished on
4 the date that the county fiscal body adopts a resolution abolishing
5 the food and beverage tax revenue committee. A county fiscal body
6 may adopt a resolution under this subsection if the county fiscal
7 body determines that each unit in the county that had imposed a
8 tax under this chapter has adopted an ordinance to rescind the tax.

9 Sec. 26. The general assembly covenants with each unit subject
10 to this chapter and the purchasers and owners of bonds, leases,
11 obligations, or any other evidences of indebtedness of the county
12 payable from a tax imposed under this chapter that this chapter
13 will not be repealed or amended in any manner that will adversely
14 affect the imposition or collection of a tax imposed under this
15 chapter so long as the principal, interest, or lease rentals due under
16 those bonds, leases, obligations, or other evidences of indebtedness
17 of a unit that are payable from a tax imposed under this chapter
18 remain unpaid.

19 SECTION 17. IC 6-9-36 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]:

22 **Chapter 36. Monroe County Food and Beverage Tax**

23 **Sec. 1. This chapter applies to Monroe County.**

24 **Sec. 2. The definitions in IC 6-9-12-1 apply throughout this**
25 **chapter.**

26 **Sec. 3. (a) The fiscal body of the county may adopt an ordinance**
27 **to impose an excise tax, known as the county food and beverage**
28 **tax, on those transactions described in section 4 of this chapter.**

29 **(b) If the fiscal body adopts an ordinance under subsection (a),**
30 **it shall immediately send a certified copy of the ordinance to the**
31 **commissioner of the department of state revenue.**

32 **(c) If the fiscal body adopts an ordinance under subsection (a),**
33 **the county food and beverage tax applies to transactions that occur**
34 **after the last day of the month that succeeds the month in which**
35 **the ordinance is adopted.**

36 **(d) If the fiscal body adopts an ordinance under subsection (a),**
37 **it may adopt an ordinance to allow every retail merchant to deduct**
38 **and retain from the amount of those taxes otherwise required to be**

1 remitted under this chapter, if timely remitted, a retail merchant's
 2 collection allowance. The fiscal body shall state the amount of the
 3 allowance in the ordinance. An allowance authorized under this
 4 subsection is in addition to any allowance authorized under an
 5 ordinance adopted under section 6 or 7 of this chapter.

6 (e) The fiscal body may not adopt an ordinance under
 7 subsection (a) before January 1, 2006.

8 Sec. 4. (a) Except as provided in subsection (c), a tax imposed
 9 under section 3 of this chapter applies to any transaction in which
 10 food or beverage is furnished, prepared, or served:

- 11 (1) for consumption at a location, or on equipment, provided
- 12 by a retail merchant;
- 13 (2) in the county in which the tax is imposed; and
- 14 (3) by a retail merchant for consideration.

15 (b) Transactions described in subsection (a)(1) include
 16 transactions in which food or beverage is:

- 17 (1) served by a retail merchant off the merchant's premises;
- 18 (2) food sold in a heated state or heated by a retail merchant;
- 19 (3) two (2) or more food ingredients mixed or combined by a
- 20 retail merchant for sale as a single item (other than food that
- 21 is only cut, repackaged, or pasteurized by the seller, and eggs,
- 22 fish, meat, poultry, and foods containing these raw animal
- 23 foods requiring cooking by the consumer as recommended by
- 24 the federal Food and Drug Administration in chapter 3,
- 25 subpart 3-401.11 of its Food Code so as to prevent food borne
- 26 illnesses); or
- 27 (4) food sold with eating utensils provided by a retail
- 28 merchant, including plates, knives, forks, spoons, glasses,
- 29 cups, napkins, or straws (for purposes of this subdivision, a
- 30 plate does not include a container or packaging used to
- 31 transport the food).

32 (c) The county food and beverage tax does not apply to the
 33 furnishing, preparing, or serving of any food or beverage in a
 34 transaction that is exempt, or to the extent exempt, from the state
 35 gross retail tax imposed by IC 6-2.5.

36 Sec. 5. The county food and beverage tax imposed on a food or
 37 beverage transaction described in section 4 of this chapter equals
 38 one percent (1%) of the gross retail income received by the

1 merchant from the transaction. For purposes of this chapter, the
2 gross retail income received by the retail merchant from such a
3 transaction does not include the amount of tax imposed on the
4 transaction under IC 6-2.5.

5 Sec. 6. If an ordinance is not adopted under section 7 of this
6 chapter, the tax that may be imposed under this chapter shall be
7 imposed, paid, and collected in the same manner that the state
8 gross retail tax is imposed, paid, and collected under IC 6-2.5.
9 However, the return to be filed for the payment of the tax under
10 this chapter may be made separately or may be combined with the
11 return filed for the payment of the state gross retail tax, as
12 prescribed by the department of state revenue.

13 Sec. 7. (a) The county fiscal body may adopt an ordinance to
14 require that the tax be reported on forms approved by the county
15 treasurer and that the tax shall be paid monthly to the county
16 treasurer. If such an ordinance is adopted, the tax shall be paid to
17 the county treasurer not more than twenty (20) days after the end
18 of the month the tax is collected. If such an ordinance is not
19 adopted, the tax shall be imposed, paid, and collected in exactly the
20 same manner as the state gross retail tax is imposed, paid, and
21 collected pursuant to IC 6-2.5.

22 (b) If an ordinance is adopted under this section, all the
23 provisions of IC 6-2.5 relating to rights, duties, liabilities,
24 procedures, penalties, definitions, exemptions, and administration
25 apply to the imposition and administration of the tax imposed
26 under section 3 of this chapter, except to the extent those provisions
27 are in conflict or inconsistent with the specific provisions of this
28 chapter or the requirements of the county treasurer. Specifically
29 and not in limitation of this subsection, the terms "person" and
30 "gross income" shall have the same meaning in this section as set
31 forth in IC 6-2.5, except that "person" shall not include state
32 supported educational institutions. If the tax is paid to the
33 department of state revenue, the returns to be filed for the payment
34 of the tax under this section may be either a separate return or may
35 be combined with the return filed for the payment of the state gross
36 retail tax as the department of state revenue may by rule
37 determine.

38 Sec. 8. If an ordinance is not adopted under section 9 of this

chapter, the amounts received from the county food and beverage tax imposed under this chapter shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

Sec. 9. (a) If an ordinance is adopted under section 3 of this chapter, the county treasurer shall establish a food and beverage tax receipts fund.

(b) The county treasurer shall deposit in the fund county food and beverage tax revenue that the county treasurer receives.

(c) Any money earned from the investment of money in the fund becomes part of the fund.

(d) Money in the fund at the end of the county fiscal year does not revert to the county general fund.

Sec. 10. (a) If an ordinance is adopted under section 3 of this chapter, the fiscal officer of the city of Bloomington shall establish a food and beverage tax receipts fund.

(b) The fiscal officer shall deposit in the fund county food and beverage tax revenue that the fiscal officer receives.

(c) Any money earned from the investment of money in the fund becomes part of the fund.

(d) Money in the fund at the end of the city fiscal year does not revert to the city general fund.

Sec. 11. (a) Each month, the auditor of Monroe County shall distribute the county food and beverage tax revenue received by the county treasurer between the city of Bloomington and Monroe County in the same ratio that the population of the city of Bloomington bears to the population of Monroe County.

(b) Distribution of county food and beverage tax revenue to the city of Bloomington must be on warrants issued by the auditor of Monroe County.

Sec. 12. Monroe County's share of county food and beverage tax revenue deposited in the county food and beverage tax receipts fund may be used to only finance, construct, operate, and maintain one (1) or more of the following:

(1) A convention center, conference center, or auditorium facility.

(2) Public safety facilities or operations.

(3) Parks and recreation facilities.

1 **(4) Tourism or economic development projects.**

2 **(5) Parking facilities.**

3 **Sec. 13. Money deposited in the city food and beverage tax**
 4 **receipts fund may be used only to finance, construct, operate, and**
 5 **maintain one (1) or more of the following:**

6 **(1) A convention center, conference center, or auditorium**
 7 **facility.**

8 **(2) Parks and recreation facilities.**

9 **(3) Tourism or economic development projects.**

10 **(4) Parking facilities.**

11 **(5) Public safety facilities or operations.**

12 **Sec. 14. (a) There is created a nine (9) member food and**
 13 **beverage tax authority to make recommendations to the county**
 14 **executive and the city executive concerning the use of money in the**
 15 **funds established under sections 9 and 10 of this chapter. The nine**
 16 **(9) members are appointed as follows:**

17 **(1) Two (2) members appointed by the executive of the largest**
 18 **municipality in the county. Not more than one (1) member**
 19 **appointed under this subdivision may be of the same political**
 20 **party. One (1) member appointed under this subdivision must**
 21 **represent the hospitality or restaurant industry.**

22 **(2) Two (2) members appointed by the city council of the**
 23 **largest municipality in the county. Not more than one (1)**
 24 **member appointed under this subdivision may be of the same**
 25 **political party. One (1) member appointed under this**
 26 **subdivision must represent the hospitality or restaurant**
 27 **industry.**

28 **(3) Three (3) members appointed by the county executive**
 29 **body. Not more than two (2) members appointed under this**
 30 **subdivision may be of the same political party. One (1)**
 31 **member appointed under this subdivision must represent the**
 32 **hospitality or restaurant industry.**

33 **(4) Two (2) members appointed by the county fiscal body. One**
 34 **(1) member appointed under this subdivision must be a**
 35 **resident of Ellettsville.**

36 **A member appointed under this subsection must reside in Monroe**
 37 **County.**

38 **(b) The term of appointment on the authority is two (2) years.**

1 However, when the initial appointments are made, each appointing
2 authority shall appoint one (1) member for a one (1) year term and
3 the remaining members for two (2) year terms. Subsequent
4 appointments are for two (2) year terms. A vacancy on the
5 authority shall be filled for the unexpired term by the authority
6 that made the prior appointment.

7 (c) The affirmative vote of at least five (5) members of the
8 authority is required for the authority to take an action.

9 Sec. 15. (a) If no obligations are outstanding, the county fiscal
10 body may adopt an ordinance to rescind the tax imposed under this
11 chapter before December 1 in any year.

12 (b) An ordinance to rescind the food and beverage tax takes
13 effect January 1 of the year immediately following the year in
14 which the ordinance is adopted.

15 (c) If the county fiscal body adopts an ordinance under
16 subsection (a), it shall immediately send a certified copy of the
17 ordinance to the commissioner of the department of state revenue.

18 SECTION 18. [EFFECTIVE UPON PASSAGE] A large
19 percentage of the land in the city of Bloomington and in Monroe
20 County is not taxable because it is owned by the state or the federal
21 government, which puts the city and the county at a disadvantage
22 in their ability to fund projects. These special circumstances
23 require legislation particular to the city and county.

24 SECTION 19. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
25 any other law, a food and beverage tax imposed in Monroe County
26 terminates two (2) years after the retirement of debt financed by
27 the food and beverage tax.

28 (b) Notwithstanding any other law, a food and beverage tax

1 **imposed in Wayne County terminates two (2) years after the**
2 **retirement of debt financed by the food and beverage tax."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 329 as reprinted February 1, 2005.)

and when so amended that said bill do pass.

Representative Espich